

**ENTERED**

September 09, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM,**

**Plaintiff,**

**VS.**

**IDEXX LABORATORIES, INC.**

**Defendant.**

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**CIVIL ACTION NO. 4:18-CV-0786**

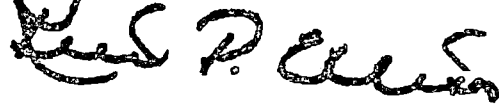
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is the Motion to Remand filed by Plaintiff. (Doc. No. 70.) On July 16, 2019, United States Magistrate Judge Dena Hanovice Palermo issued a Report and Recommendation ("R & R") in this case, recommending that the Motion be granted. (Doc. No. 94.) Defendant filed its objections on July 30, Plaintiff filed its response on August 13, and Defendant filed its reply on August 23. (Doc. Nos. 95, 96, 99.)

As required by 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the portions of the R & R to which Defendant objected. The Court finds that the first factor of the *Tradigrain* analysis weighs in favor of finding that the Board is an arm of the state. *See e.g., Sissom v. Univ. of Tex. High School*, 927 F.3d 343, 347-49 (5th Cir. June 13, 2019) (sovereign immunity); *King v. Univ. of Tex. Health Sci. Ctr.-Houston*, 544 F. App'x 490, 495-96 (5th Cir. 2013) (sovereign immunity). However, in all other respects, the Court agrees with the conclusions, and the reasoning, of the R & R. Accordingly, the Court hereby **ADOPTS** in part the R & R and **GRANTS** Plaintiff's Motion to Remand.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 28th day of August, 2019.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written in a cursive style.

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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE